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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

THE UNITED STATES OF AMERICA,  
vs.  
JUDY RAE JARVIS,  
Plaintiff,  
Defendant.)  
Case No. CR 11-00146 SBA  
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)  
**STIPULATION AND ORDER TO  
CONTINUE STATUS CONFERENCE  
TO DECEMBER 17, 2013 AND TO  
EXCLUDE TIME**  
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)

The parties are scheduled to appear before the duty magistrate for a status conference on October 29, 2013. The defendant, Judy Rae Jarvis, has been diagnosed with ovarian cancer and is scheduled for surgery on Monday, October 28, 2013 at John Muir Hospital in Walnut Creek. It is anticipated that Mrs. Jarvis will be hospitalized for at least one week after surgery.

For this reason, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and order as follows:

1. That the mater shall be set for status conference before the duty magistrate for December 17, 2013 at 9:30 a.m.
  2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §3161, from October 29, 2013 because of the defendant's surgery. Failure to grant the requested continuance

1 would unreasonably deny the defendant to appear in court because of her hospitalization.  
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3. Given these circumstances, the Court finds that the ends of justice served by excluding the  
4 period from October 29, 2013 to December 17, 2013, outweigh the best interest of the public and the  
5 defendant in a speedy trial and filing of an indictment or information. 18 U.S.C. §3161(h)(3)(B)(4)  
6 and (7)(A).

7. Accordingly, and with the consent of the defendant, the Court orders that the period from  
8 October 29, 2013 to December 17, 2013, be excluded from the Speedy Trial Act calculations and  
9 under 18 U.S.C. §3161(h)(3)(B)(4) and (7)(A).

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11 IT IS SO STIPULATED:

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13 Dated: October 22, 2013

14 \_\_\_\_\_ /s/  
15 BRIAN C. LEWIS  
16 Assistant United States Attorney

17 Dated: October 22, 2013

18 \_\_\_\_\_ /s/  
19 DEBORAH G. LEVINE  
20 Attorney for Judy Rae Jarvis

21 IT IS SO ORDERED:

22 Dated: October 23, 2013

23 \_\_\_\_\_  
24 DONNA M. RYU  
25 United States Magistrate Judge  
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